

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA
INDIANAPOLIS DIVISION

REPORT AND RECOMMENDATION

On December 20 and 22, 2017, the Court held hearings on the Petition for Warrant or Summons for Offender Under Supervision filed on September 2, 2017. Defendant Broadnax appeared in person with his appointed counsel Joseph Cleary and William Dazey. The government appeared by Michelle Brady and Barry Glickman, Assistant United States Attorneys. U. S. Parole and Probation appeared by Officer Chris Dougherty.

The Court conducted the following procedures in accordance with Fed. R. Crim. P. 32.1(a)(1) and 18 U.S.C. § 3583:

1. The Court advised Defendant Broadnax of his rights and provided him with a copy of the petition. Defendant Broadnax orally waived his right to a preliminary hearing.

<u>Violation Number</u>	<u>Nature of Noncompliance</u>
3	<p>“The defendant shall notify the probation officer ten days prior to any change in residence or employment.”</p> <p>“The defendant shall report to the probation officer and shall submit a written report within the last five days of the month.”</p>

The offender is considered an absconder. On September 1, 2017, the offender fled from police in Muncie, Indiana, and his whereabouts have been unknown since that time. On September 1, 2, 3, and 4th, this officer attempted to reach the offender on his cell phone, with no success. Numerous voice mail messages were left for the offender directing him to contact his officer immediately. The offender was directed to report to the probation office on September 5, 2017, by 12:00, and he failed to report as directed. The management office at Westhaven Apartments, in Zionsville, reported the offender's roommate, Alicia Sims, removed all furnishings from the apartment on September 2, 2017, and the apartment is considered vacated. The offender's whereabouts are unknown.

4. The government orally moved to dismiss violations 1, 2, and 4 and the same granted.
5. The parties stipulated that:
 - (a) The highest grade of violation is a Grade C violation.
 - (b) Defendant's criminal history category is VI.
 - (c) The range of imprisonment applicable upon revocation of supervised release, therefore, is 8 to 14 months' imprisonment.
6. Parties jointly recommended a sentence of fourteen (14) months with no supervised release to follow.

The Magistrate Judge, having considered the factors in 18 U.S.C. § 3553(a), and as more fully set forth on the record, finds that the Defendant violated the conditions in the petition, that his supervised release should be revoked, and that he should be sentenced to the custody of the Attorney General or his designee for a period of fourteen (14) months with no supervised release

to follow. The Defendant is to be taken into custody immediately pending the District Judge's action on this Report and Recommendation.

The parties are hereby notified that the District Judge may reconsider any matter assigned to a Magistrate Judge. The parties waived, on the record, their right to file written objections to this Report and Recommendation with the District Judge.

Date: 12/27/2017

7.13L

Tim A. Baker
United States Magistrate Judge
Southern District of Indiana

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